

United States Court of Appeals for the Federal Circuit

2006-1401

MERCK & CO., INC.,

Plaintiff-Appellee,

v.

HI-TECH PHARMACAL CO., INC.,

Defendant-Appellant.

RECEIVED-CLERK
U.S. DISTRICT COURT
2007 JUN 15 A 10:34

Judgment

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in New York
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ON APPEAL from the United States District Court for the
District of New Jersey

AT 8:30 _____ M
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In CASE NO(S). 3:06-CV-00266 and 3:06-CV-00268

This CAUSE having been heard and considered, it is

ORDERED and ADJUDGED:

AFFIRMED.

ENTERED BY ORDER OF THE COURT

DATED MAR 29 2007

Jan Horbaly

Jan Horbaly, Clerk

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UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

By: *[Signature]* Date: 6/11/07

Issued as Mandate: JUN 11 2007

COSTS:

Printing \$ 468.80
Total \$ 468.80

Caption: Merck & Co., Inc. v. Hi-Tech Pharmacal Co., Inc.

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Signature:

Date: 7/11/07

Attorney for:

Merck & Co., Inc., Plaintiff-Appellee

UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

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Fitzpatrick, Cella, Harper

& Scinto
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ATTENTION: Bruce M. Wexler, Esq.

CASE NAME: Merck & Co. v. Hi-Tech Pharm.
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Defendant-Appellant

Robert L. Baechtold, Fitzpatrick, Cella, Harper & Scinto, of New York, New York, argued for plaintiff-appellee. With him on the brief was Bruce M. Wexler.

William L. Mentlik, Lerner, David, Littenberg, Krumholz & Mentlik, LLP, of Westfield, New Jersey, argued for defendant-appellant. With him on the brief was Roy H. Wepner. Of counsel on the brief was Alfred B. Engelberg, of Palm Beach, Florida.

Appealed from: United States District Court for the District of New Jersey

Judge Mary L. Cooper